

have exempted the Paliam estate. The benefit of the Act is not given to all the subjects of His Highness the Maharaja. To me it appears that there is absolutely no reason in applying a law to one section of the people and not to some others. Therefore, I support the motion.

Mr. A. V. Moothedan (Chalakkudi): Sir, I only wish to bring one point to the notice of the House. By not applying the Agriculturists' Relief Act to the Paliam estate, tenants are put to a lot of trouble. The estate is even recovering time-barred debts. And they do so under the provisions of the Revenue Recovery Act. I will just now give an instance, which came to my notice this morning. A certain tenant has to pay a *pattam* of Rs. 77—7—10 per annum. An attachment notice has been served on him claiming a sum of Rs. 1,963—14—3. This is nearly 25 years' *pattam* and interest. Sir, is it not a very hard case? According to the law of limitation, no person is liable to pay more than twelve years' rent, but the Paliam estate is allowed to collect arrears for a period of over twenty-five years. It would appear that the Paliam can safely ignore the Law of Limitation, because they are collecting the amount under the Revenue Recovery Act. If it is in a Civil Court, we can fight out. I request the hon'ble members to support the motion.

Mr. M. K. Devassy (Adur): Sir, Although it is not the practice in this House to enter into discussion at the stage of the third reading of a Bill, since the President is not aware of the Proceedings at the earlier stages of the Bill, and since the principle involved in the Bill is so important, I think, I will be justified in placing a few aspects before the House.

Mr. President: The proceedings are printed. I can read them.

Mr. M. K. Devassy (Adur): On that assurance, I do not wish to proceed further.

Motion put and carried

**** (2) The Cochin Shops and Commercial Establishments Bill**

***Mr. Puthur Achyuta Menon (Kattur):** Mr. President Sir, I beg to present the Select Committee Report on the Cochin Shops and Commercial Establishments Bill. Sir, when a resolution was moved by me showing the urgent necessity for such a legislation and at the earlier stages of this Bill I have made the principles of

**** Appendix V.**

*** Speech not corrected by the hon'ble member.**

this Bill clear to this House, I do not think a lengthy speech will be necessary or is called for now. Sir, the Select Committee, in redrafting this Bill, has closely followed the Bombay legislation in this matter. The parallel legislations of Bengal and Punjab are also perused and with the help of those legislations, we have redrafted the Bill to suit the conditions of Cochin State.

Sir, some slight variations are made from the Bombay legislation in the matter. It was found necessary to suit the requirements of the commercial interests of the State that the closing hours should be observed as 10 p.m. instead of 9 p.m. as observed in Bombay. This change has been introduced in our Bill and the consequential change of making the working hours to be 10 hours rather than 9½ hours is also introduced.

It was found necessary during the discussion of the Bill in the Select Committee that an exemption in the case of stock-houses for transshipment of goods from ships was highly necessary, considering the importance of the Cochin Harbour. This aspect was considered in detail and with the unanimous opinion of the members of the Select Committee, an exemption is granted. Sir, the Select Committee was fortunate to receive the opinion of the commercial interests of the State in the matter, and I am sure as we have got the support of the commercial interests also, this Bill may be unanimously accepted by this House. With these few words, I present the Select Committee report and move that the Bill as reported upon by the Select Committee be taken into consideration.

Mr. V. K. Kutty (*Nominated*): I second it.

Mr. K. Achyuta Menon (*Secretary to Government*): Sir, Government oppose the Bill. It is only fair to state the reasons why we have to oppose it. I do not think that any lengthy speech is necessary in view of the various speeches made at the earlier stages of this Bill; but whatever might be said with respect to the underlying objects of this Bill, I submit that it must be borne in mind that the time is most inopportune that a Bill of this sort can be made to form part of the Statute Book. We are working under times of stress and there should be no time-limit or any undue restriction imposed upon the activities of the shops, commercial establishments, etc. We have to take into consideration this aspect of the matter when we decide at once to pass this as a law in the land. Now all operative clauses of the Bill refer to the hours when shops are to be closed, and whatever might be said about the practicability of this proposition in normal times, it must be borne in mind that even a superficial examination of the various provisions of the Bill will show that it will interfere with the very many

activities which have to go on for more than the ordinary hours. That is one point, and perhaps the major point, upon which I have to oppose.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): Was it on this ground that the Government opposed this Bill at the stage of introduction?

Mr. K. Achyuta Menon (*Secretary to Government*): I am just coming to the other matters also. I do not end my opposition here. I said that the major ground upon which the Government would now oppose it in spite of the understandable nature of the objects of the Bill, is the difficulty and perhaps the unwisdom of enacting this on the Statute Book at a time when more than ever it is absolutely necessary that there should be no restriction upon the activities of factories, shops and commercial establishments.

Mr. A. Eachara Menon (*Chittur-Rural*): You have exempted from the provisions of this Act certain activities relating to warehouses. What is the difficulty in bringing this in the Statute Book? You can keep the law in abeyance.

Mr. K. Achyuta Menon (*Secretary to Government*): You have not finished listening to my speech. There is no such thing as keeping in abeyance the report of the Select Committee. I have heard that after a Bill has been passed, the introduction of the same can be kept in abeyance, and I have not heard of the Select Committee report being kept in abeyance. You will kindly point out the methods whereby we can keep it in abeyance.

Mr. A. Eachara Menon (*Chittur-Rural*): I never said that. You are simply misleading.

Mr. C. V. Iyyu (*Kunnamkulam*): May I know what was done in the case of the Verumpattam Bill?

Mr. K. Achyuta Menon (*Secretary to Government*): From commercial establishments to Verumpattam Bill is a far far cry, which the Hon'ble Member for Kunnamkulam himself will not be able to justify. He is in the habit of occasionally dragging on matters with which we have no concern and even if we are to respect them, I submit that the point now raised has no relevancy to the issue in hand. I am attempting to show that this is a piece of legislation which ought not to come in at this time.

Mr. T. K. Nayar (*Pazhayannur*): These Bills are in force in Bombay and other places. May I know whether due to the war these Governments have kept them in abeyance?

Mr. K. Achyuta Menon (*Secretary to Government*): They passed those Bills at a time when considerations such as I now urge

before the House were not either of paramount importance, or of compelling importance to them. The question whether the circumstances now existing here were existing there too when they passed the legislation is a matter which requires enquiry, and if necessary, I shall be willing to make such an enquiry. If what is required is only a weekly holiday, as provided in the Bill now pending in the Central Legislative Assembly, we will examine the whole matter.

Now let us examine what the commercial interests speak about this Bill.

Mr. Puthur Achyuta Menon (Kattur): Did not the Cochin Chamber of Commerce fully support the measure?

Mr. K. Achyuta Menon (Secretary to Government): I was a member of the Select Committee and a casual reference to it will show that the preponderance of the views expressed by them are in our favour. Mr. Ismail Haji Essa Sait, an industrialist of the highest magnitude was of opinion that a weekly holiday may be given to the workers, but it need not be by closing the shops and establishments fully. This is absolutely cent per cent in my favour. I take shelter under that big industrialist Mr. Ismail Sait.

Then we go to the Hon'ble Member for Chittur. He was entirely in my favour in the Select Committee. I do not know whether he has changed his views since. He said: "I have very great misgivings as to the correct working of this Act".

Mr. A. Eachara Menon (Chittur-Rural): You said it is impossible to bring it on the Statute Book.

Mr. K. Achyuta Menon (Secretary to Government): Out of deference to the wishes of the commercial interests you did not put it in such a vehement manner as possible. You said, we have got very great misgivings about the working of the Act. I am willing to use the same language.

Then, Mr. Salem was very much in my favour. He was of opinion that this Bill was not suitable to be introduced in this State. The above are the opinions expressed by the three learned members of the committee.

I have already stated that it is the most unpropitious time for a legislation of this kind. It does not mean that we are against the principles underlying the Bill; but we are even now prepared to grant a weekly holiday to all workers without any reduction in wages.

Another objection with regard to the Bill, *i.e.*, that it requires a machinery to be set up by the Government to supervise whether

these rules and provisions and precautions are strictly observed. That means an additional expenditure to the Government. Probably this is not the time for us to go and incur an additional expenditure. Perhaps this argument will be more appealing to the hon'ble members. The Government is always accused for creating additional posts which incur additional expenditure. For these reasons, I am constrained to oppose the motion.

Mr. M. K. Devassy (Adur): Mr. President, Sir, I support this Bill as amended by the Select Committee. It is rather strange that in all matters on earth, from the highest to the lowest, the topic of war should be introduced. We in this House are sufficiently intelligent to understand where our co-operation is necessary for purposes of war and where it is not necessary. Government should not take undue advantage of a word to shut out the views of this House in important matters which have no relation whatsoever to the word "war" that is used in this connection. I can understand, Sir, why the Secretary to Government has not thought it advisable to cling on to the old anti-diluvian arguments which were advanced in this House at the previous stages of the Bill. The one difficulty pointed out by the Government when a resolution requesting the Government to have a measure of this kind introduced in the State was the difficulty in the practical application of the law in checking the several instances of its breach. It was soon after that that the legislatures of Bengal and Bombay thought it advisable to introduce this measure there and enacted it into a piece of legislation, which has been put into force. We do not think that notions of administrative difficulty entertained by the Government of Cochin are superior to those which are entertained by the equally responsible governments of Bengal and Bombay. I was surprised to hear from the Government Secretary that commercial interests represented in the Select Committee are against the Bill. I wish to disillusion this House of the statement made by the Hon'ble Secretary. My friend Mr. Govinda Pai is the Secretary to the Chamber of Commerce. To every one sitting in this House it is perfectly clear how ably he was defending the commercial interests whenever commercial interests were prejudiced. When the Select Committee was formed, in fact every member supporting this Bill and opposing this Bill was anxious to include Mr. Pai in the Committee, because they thought they will get a disinterested and valuable opinion of a man representing the commercial interests of the State. I need hardly say that Mr. Pai did not think it advisable to enter a note of dissent to this Bill. I do not mean anything against those who have written notes of dissent. I only want to rely upon the authoritative opinion of Mr. Pai, which this House has

been receiving from time to time and which this House has been respecting to a very great extent. Then coming to the observations made by Mr. Ismail Haji Easa Sait, does not the Treasury Bench know the vehemence with which he will be opposing legislations which go against the interest of commercial classes? We know it perfectly well. He will be thundering in this House against the provisions of the Bill. Significantly enough he has been very mild and half-hearted in this. He says, "as this Bill relates to those who work in the shops and commercial establishments, a weekly holiday may be given to the workers, but it need not be by closing the shops and establishments fully". Mr. Sait does not say for a moment that you should not close at 9 or 10. The statement of Mr. Sait warrants that the shops should be open for a few hours on holidays. We will consider the question if a proper amendment is brought. So that my submission is that the principle of this legislation has been accepted by some important governments. It is a piece of legislation in force in several countries. The representations received from the public clearly show that the workers engaged in shops and commercial establishments do really require some legislation. This does not for a moment stand in the feasible working of commercial interests. The Bill has excluded from the operation of its scope workers engaged in godowns, etc. Paragraph 3 of the report of the Select Committee is to the following effect.—

"The definition of the term 'shops' takes in warehouses and godowns. Unless an exemption is granted in the case of warehouses and as regard persons employed in transshipping goods from ships, considerable difficulty is likely to be experienced and so we have provided that the provisions of the Act shall not apply to the persons employed in the landing of goods from ships and lighters and in the storage thereof. We have also provided that warehouses and godowns may be kept open after 10 p.m. for the storage of goods in transit from ships and lighters."

So I ask what is the difficulty. According to me, the Treasury Bench is imagining difficulties which will never come into existence. Sir, I do not think that the Treasury Bench will be justified in continuing this opposition to a simple measure like this. I hope Government will find its way to modify their views and support the principle of this Bill.

Mr. E. Ikkanda Warriar (Cheruthuruthi): Sir, I wish to support this Bill. In doing so I wish to answer the two arguments advanced by the Hon'ble Secretary to Government. His first point was that the time is inopportune. I do not know how and in what respect it is inopportune. We are certainly in normal times and if any abnormal time comes, which may God forbid, there is an Act, the all-embracing Defence of India Act, the provisions of which can be

easily pressed into service. They have got under that Act power to regulate the work according to the requirements of any situation. The other argument raised by him is that it may require the Government to employ some more additional hands. A reading of the Act will show that it is intended only for the three Municipal towns of Mattancheri, Ernakulam, and Trichur in the first instance, and it is left to the discretion of the Government to extend it to other areas by notifications. So, at the most, we may require three inspectors. I go even to the extent of saying that in the early stages there is no necessity to spend any additional money, because any of the officers of the Municipalities or the Police Department may be entrusted with that work without prejudice to their own. I submit, Sir, that the two arguments advanced by the Government are without any force for staying the further progress of this Bill, if the Government are not opposed to the fundamental principles contained in it.

Mr. V. J. Mathai (Planters): Sir, I wish to introduce into the discussion of this subject another point which strikes me as important. A casual look at the map of Cochin will show us that Cochin is surrounded by other states. Take, for example, British Cochin, which is only half a furlong away from Mattancheri. The Cochin-Kanayannur Taluk is surrounded by Travancore. Malayattur is surrounded on all sides by Travancore. Then the Chittur Taluk is surrounded by British territory. The whole point is, as long as there is no legislation like this in British India and Travancore, are we not putting our merchants and our people under a handicap? I put it to you. It is an important matter for consideration. This has to be considered dispassionately. If a shop in Mattancheri is not allowed to be opened after 10 and at the same time in British Cochin a shop is kept open at that hour, the results will be disastrous our merchants—that may be a possibility. I do not want to carry it to a position of absurdity.

Mr. K. Ayyappan (Ezhuvas-Kanayannur): To do business after 10 o' clock!

Mr. V. J. Mathai (Planters): There are so many poor labourers, take dock labourers for example, who are in a position to purchase things only after 10 o' clock. There are very many such poor people in Cochin State. What about cinema-goers who come after cinema and who want to buy cigarettes or cool drinks? It may be a small thing. But if the Bill is passed, there will be nobody to provide these necessities. If your neighbour on the other side can compete with you, you will be putting the Cochin merchant under a handicap. I only say that it is an additional point which

you should consider in a deep consideration of this subject. As regards the difficulty in working it in practice, I do not think you should pooh-pooh it so summarily. There is real difficulty. The operative sections are under Chapter 2. For example, take the closing hour of shops. There must be somebody to see that the shops are closed at the proper time. Then hawking is prohibited after the closing hour. You must see whether hawking is being done after that time. Then there is section 7 which regulates the daily hours of work in a shop. The section says: "No person employed in any shop shall be allowed to work for more than 8 hours in any day, unless he has had an interval for rest of at least one hour and further no person employed in any shop shall be required or allowed to work for more than 10 hours in any day." Who is to regulate that? Are there books kept there to show for how many hours the shop is working? Then there is section 8 as regards the spread over of the period of work. It says: "The periods of work and intervals of rest of a person employed in any shop shall be so arranged that there shall not be altogether spread over more than 12 hours in any day". Who is to verify that? Then there is a proviso to that section which lays down that the hours between the opening and closing time, the periods of work and intervals of rest may be spread over 14 hours in that day. Then comes the question regulating the holidays in a week. Of course, as regards that, it will be easy. What I am saying is sections 5, 6, 7 and 8 are not so easy to work. It is not a small matter. Unless you appoint a man with sufficient status and salary, which is the real point, it will be difficult to work these sections. Even under certain other Acts only officers above the rank of Inspectors are appointed as supervisors. Under certain other Acts, Magistrates alone are appointed to carry out the provisions. There are certain other Acts under which Tahsildars are appointed as the executive officers. Without casting any aspersion on any subordinate officers in the State, it is the duty of the Government for the sake of instilling confidence into the minds of the people to appoint only people above a particular cadre in the official rank, just to avoid suspicion. Therefore it is not so easy as all that. We have to appoint very many responsible officers for this.

The third difficulty is that on account of the great competition for jobs, people will be privately contracting out of this Act without your knowledge and without my knowledge. There are today in our Statute Book several Acts which are dead letters practically. For example, let us take the Juvenile Smoking Act. Are you not seeing every day the juveniles smoking in our streets? What action are you taking against them? It will be a sham, it will be a

mockery, to place on the statute book measures which are not capable of being carried out. For these reasons, I find that there are very many difficulties to work out this measure. Of course the object is laudable. I am entirely at one with the mover in regard to the attainment of the object. The object may be very laudable. Government may decree that nobody should commit a sin in the world and everybody should attain heaven. But is it capable of attainment? It is a pious hope. But enactments should not be pious hopes. Enactments must be capable of being worked and we must also be careful to see that they are being worked. For these reasons I do not find my way to support the Bill, though I am entirely at one with Mr. Achyuta Menon in his object.

Mr. K. Achyuta Menon (*Secretary to Government*): Then you are for passing the Bill?

Mr. N. Govinda Pai (*Nominated*): Mr. President, Sir, as soon as this Bill came to this House on the first occasion and also during the time when a resolution about this matter was discussed in this House, it was the fashion to criticise the merchants that they wanted to extract the most out of their employees and also it was anticipated that much criticism would come upon the subject from the merchant class. At that time also I assured the House that the merchants had no such idea of ill-treating their employees by giving them more than normal work (*hear, hear*); and also that they were not against giving them a holiday per week.

The necessity for this Bill has been felt by the employees of the most important towns of this State, Trichur, Ernakulam and Mattancheri. In Trichur, practically they are enjoying a holiday a week. In Mattancheri and Ernakulam, there is no such rule and it is not observed. But the difficulty of the employees in Trichur has been that the work that the employees have to do lasts for a very good time even extending to mid-night and a few hours after also. That has never been the complaint about Ernakulam and Mattancheri. On account of the war itself it is well known to all that business has been very much affected and it is not as extensive as it has been before. And hours of work are automatically cut down. Under such circumstances it is very difficult to understand why the merchants should object to such a kind of Bill. I agree with the Government in saying that the machinery to see that this Bill is put into practice will be a costly affair and a troublesome affair also. My only plea is that it need not be taken that the merchants are against the provisions of this Bill (*hear, hear*). In the Select Committee enough provision has been made for difficulties that may be met with—that is about loading and unloading in ships under abnormal circumstances. If that is accepted merchants will have no objection at all for this Bill.

But by that I do not mean to say that the merchants are inviting this Bill. They are for a holiday per week and for giving it to their employees and themselves. They have also no objection to regulate the hours of work as has been laid down in the Bill.

Mr. Ismail Hajee Essa Sait (*Mattancheri*): Have you taken the sense of the merchants there?

Mr. N. Govinda Pai (*Nominated*): Sir, this subject has been a point of discussion in the Indian Chamber of Commerce and I am giving their opinion here (*hear, hear*).

Mr. Ismail Hajee Essa Sait (*Mattancheri*): Have they sent any resolution passed to the Select Committee or Government agreeing to this?

Mr. Puthur Achyuta Menon (*Kattur*): In the Select Committee we received a resolution from them.

Mr. N. Govinda Pai (*Nominated*): To the Select Committee they sent a resolution that I will represent the interests of the merchants there.

So what I want to say is that the merchants are not very keen in inviting this Bill, but the public and the House need not at all think that they are against the provisions of this Bill. That is the only thing that I want to make clear here.

* **Mr. C. R. Iyyunni** (*Trichur-South*): Sir, only one word, I wish to speak here in regard to this matter. It is entirely a new point which has not been considered by any of the previous speakers. Really speaking, if this Bill is passed, it will afford considerable relief even to the merchant classes. I will explain how it is. In Trichur, which place I am mostly associated with and have the honour to represent here, the wholesale merchants sit very late in the day. If one merchant sits up to 12 p.m. another merchant, in order to give more convenience to his customers, will be sitting up till 12—otherwise he will be losing some of his customers—with the result that all the persons who are employed in these shops or under the wholesale dealers have practically got very little leisure. If it is enacted by a statute that shop-keepers, wholesale merchants or restaurant-keepers have to close their shops or open their shops at certain stipulated hours, certainly the merchants themselves and the employees under them will be very much relieved of this difficulty. It is mainly due to competition that they are compelled to sit up late in the night. Otherwise, they need not. Viewed from that point of view I should certainly submit that even in the interests of the merchants themselves this law should be enacted immediately. With these few words, I support the Bill.

* Speech not corrected by the hon'ble member.

മിസ്റ്റർ ഇസ്താൽ ഹാജി ഇസ്സാ സേട്ട്: സർ, ഈ ബിൽ കൌൺസിൽ മുമ്പാകെ അവതരിപ്പിക്കുകയും അതിനെ സംബന്ധിച്ചു പല വാദപ്രതിവാദങ്ങളും ഇവിടെ നടക്കുകയും അതിനുശേഷം സെലക്ട് കമ്മിറ്റിക്കു അയച്ചുകൊടുക്കുകയും ചെയ്തിട്ടുള്ള ഒന്നാണ്. സെലക്ട് കമ്മിറ്റിയിലെ ചില മെമ്പർമാർക്ക് ഇതിനെ സംബന്ധിച്ചുണ്ടായിട്ടുള്ള ചില അഭിപ്രായവ്യത്യാസവും ഇതിൽ നോട്ടുചെയ്തിട്ടുണ്ട്. ഞാൻ ഈ ബില്ലിന്റെ ആദർശത്തെ എതിർക്കുന്നില്ല. പക്ഷെ പ്രായോഗികമായി ഈ ബിൽ നമ്മുടെ സ്റ്റേറ്റിൽ നടപ്പാക്കുന്ന കാര്യത്തിൽ എനിക്കു വലിയ സംശയമുണ്ട്. മിസ്റ്റർ ഗോവിന്ദപ്പെ ഈ ബിൽ യതൊരു തരത്തിലും കച്ചവടക്കാരെ ബാധിക്കുന്നില്ലെന്നു പറയുന്നതിന്റെ ഉദ്ദേശം അർജ്ജുനായിട്ടുള്ള ഷിപ്പിങ്ങും ലോഡിങ്ങും റിലോഡിങ്ങും ഇതിൽനിന്നു ഒഴിവാക്കണമെന്നു പറഞ്ഞിട്ടുള്ളതുകൊണ്ടാണ്. അപ്പോൾ ആ കാര്യത്തിൽ ഈ ബിൽ ബാധിക്കുമെന്നു വരുന്നുണ്ട്. ചില Tea shop-കളിൽ രാത്രി കച്ചവടം ചെയ്യേണ്ടതായിവന്നാൽ ഈ ബില്ലു പാസ്സായാൽ അങ്ങിനെ ചെയ്യുവാൻ സാധിക്കാതെ വരും. അപ്പോൾ അവരേയും ഇതിൽനിന്നു ഒഴിവാക്കേണ്ടിവരും.

പിന്നെ ഇതുകൊണ്ട് കപ്പലുകളിൽ സാമാനങ്ങൾ കയറ്റിറക്കു് ചെയ്യുന്ന കൂലിക്കാർക്കു് വളരെ വിഷമങ്ങൾ ഉണ്ടാവാൻ വഴിയുണ്ട്. എന്താണെന്നുവെച്ചാൽ അവർക്കു് ചിലപ്പോൾ രാത്രിയും പകലും ജോലിചെയ്യേണ്ടിവരും. എന്നുതന്നെ യല്ല ഷാപ്പുകൾ നേരത്തെ പൂട്ടുകയാണെങ്കിൽ അവർക്കു് സാമാനങ്ങൾ വാങ്ങുന്നതിന്നു വളരെ വിഷമങ്ങൾ നേരിടുന്നതാണ്. ഈ ബിൽ പാസ്സാക്കണമെങ്കിൽ ഈവക കാര്യത്തെപ്പറ്റി ആലോചിച്ചിട്ടുവേണം. ഒമ്പതുമണിക്കൊ പത്തുമണിക്കൊ ഷാപ്പുകൾ പൂട്ടണമെന്നു് പറഞ്ഞിട്ടുള്ളതിൽ എനിക്കു വിരോധമില്ല. പക്ഷെ അതു പ്രയോഗത്തിൽ വരുത്തുവാൻ വളരെ ബുദ്ധിമുട്ടായിട്ടു തീരും. ഷിപ്പിംഗ് & ലോഡിംഗ് കഴിഞ്ഞു വരുന്ന പണിക്കാർക്കു് ബസാറിൽനിന്നു ലഭിക്കേണ്ട സാമാനങ്ങളൊന്നും അപ്പോൾ കിട്ടുകയില്ല. അങ്ങിനെയുള്ള ആളുകൾക്കു് ഷാപ്പുകൾ അടയ്ക്കുകയാണെങ്കിൽ സാമാനങ്ങൾ എങ്ങിനെ കിട്ടും?

Mr. C. R. Iyyunni (Trichur-South): I may inform the hon'ble member that there is a specific section incorporated in the Bill for that purpose. Section 16 lays down that the periods of work and intervals of rest of a person employed in a restaurant, etc., shall be so arranged that they shall not together be spread over more than 14 hours in any day. So that there will not be any difficulty anticipated by the member.

എപ്പോൾ വേണമെങ്കിലും close ചെയ്യാം. പതിനാലു മണിക്കൂറിൽ കൂടുതലാകാൻ പാടില്ലെന്നുള്ളതു്.

മിസ്റ്റർ ഇസ്താൽ ഹാജി ഇസ്സാസേട്ട്: ആ പോയിന്റ് ഞാൻ സമ്മതിക്കുന്നു. പക്ഷെ, ഈ സെക്ഷൻ പ്രകാരം ഒരു ഷാപ്പു് അടച്ചാൽ വേറെ ഒരു ഷാപ്പു തുറക്കേണ്ടിവരും. എന്നുതന്നെയല്ല; ഇതുകൊണ്ടു് ഷാപ്പുകൾ എപ്പോഴാണ് പൂട്ടുന്നതു്, എപ്പോഴാണ് തുറക്കുന്നതു് എന്നു പരിശോധിക്കുന്നതിന്നു പ്രതേകിച്ചു് ഒരു ഉദ്യോഗസ്ഥനേയും നിയമിക്കേണ്ടിവരും.

പിന്നെ തൃശ്ശിവപേരൂരിനെ സംബന്ധിച്ചു ഇവിടെ പറയുകയുണ്ടായി. തൃശ്ശിവപേരൂരിൽ രാത്രിയുൾക്കൂടി ചില കൂലിക്കാർ വേലചെയ്യുന്നതായിട്ടു് എനിക്കു റിയാം.

മിസ്റ്റർ സി. ആർ. ഇയ്യപ്പൻ: അതു shift ആയിട്ടാണ്.

മിസ്റ്റർ ഇസ്മാൽ ഹാജി ഇയ്യപ്പൻ സേട്ട: ഈ ബിൽ പ്രായോഗികമല്ലാത്തതുകൊണ്ട് ഈ ബില്ലിൽ അടങ്ങിയിരിക്കുന്ന മുഴുവൻ തത്വത്തോടു യോജിച്ചു പിൻ താങ്ങുവാൻ ഞാൻ വിചാരിക്കുന്നില്ല.

Mr. A. B. Salem (Mattancheri): Sir, While we are all agreed that there should be a weekly holiday for all workmen in all shops and while we are also agreed generally for a general closing hour of business, it would be impossible to import provisions prevailing in a city like Bombay or Calcutta to a place like Cochin. In Bombay and Calcutta, almost all the shops are closed at a particular time, I mean all big commercial houses and firms. Almost all the other shops which cater to the needs of the people are opened throughout the night. At any corner you can get anything throughout the night. Such an arrangement is possible there, both because of the large number of people who live in Bombay and because of the system under which they work. There is all such arrangement. To think that Cochin has come to that system and that this Bill is to be introduced here is a mistake. In Bombay, for instance, you have about 17 lakhs of people much more than in the whole of Cochin State and in a small area which is only a few miles in length and breadth. It is a very small place and people are crowded in that locality. There restrictions are necessary. Here, usually almost all the commercial offices, and men working in those offices get proper rest, get their holidays, and if you introduce this Bill there may be one or two persons who will overcome this Bill very easily and the suffering will be, not that of the merchants, not that of the capitalists, not that of the employers, but that of the very people for whom you intend this Bill to benefit. (*Hear, hear*).

Mr. T. K. Nayar (Pazhayannur): How is it? Please explain.

Mr. A. B. Salem (Mattancheri): When the Inspector goes for inspection, and asks for how many hours they have worked, of course they will say "16 hours". The very next day you will find that that man is having no employment there.

Mr. Puthur Achyuta Menon (Kattur): What about factories?

Mr. A. B. Salem (Mattancheri): Yes. The factories also will be closed. You cannot prevent a man dismissing his employees. You must understand that in most of the commercial firms in Mattancheri the people employed are not people of the locality. In the case of the Halai merchants there, the people working there are not people of Cochin, but people who have come from outside.

Mr. K. M. Ibrahim (Cranganur): Is it not a common defect in the case of all laws?

Mr. A. B. Salem (Mattancheri): I give you the difficulty, that is all. In their case they live in the same commercial house, the master, the servant, up to the cook, the clerk, the manager, the cashier, they all live together, mess together and have everything together. Their commercial house is also down below their residence. Under such a system they will not be working for 14 hours. They will be there for all the 24 hours. They usually get two months' holidays in their country and draw their pay there without any work at all. That kind of system is prevailing in Cochin.

Mr. N. Govinda Pai (Nominated): May I know how many Halais are there ?

Mr. A. B. Salem (Mattancheri): May be 10 or 12.

Mr. Ismail Hajee Essa Sait (Mattancheri): There are 60 such firms.

Mr. N. Govinda Pai (Nominated): When a large community benefits there may be suffering for a small community.

Mr. E. Ikkanda Warriar (Cheruthuruthi): Can't you recommend some rest for them also ?

Mr. A. B. Salem (Mattancheri): They are having their rest. The employees are not working for the whole day. They are carrying on as if they are in their own houses. That is the kind of system. In a place like Cochin, therefore, it will be impossible to enforce all the provisions in the Bill. It will be difficult to work them all smoothly. I have talked about this matter with both the employers and employees.

Dr. A. R. Menon (Minister for Rural Development): What do the employees say ?

Mr. A. B. Salem (Mattancheri): The employees are not wholly for this Bill. Because they also think there will be difficulties in their way. But there is much of agreement that the Government should see that the weekly holiday is given, and that ordinarily speaking there should be a regulation of the hours of opening and closing of the shops.

Mr. K. Ayyappan (Ezhuvas-Kanayannur): What more is there in the Bill ?

Mr. A. B. Salem (Mattancheri): There are several complicated provisions there. Here, in the Bill, it is said that the people are sweated and worked out for 14 to 16 hours. I say there is no such thing at all going on here. Then, regarding the Inspector, whom can you appoint ? How can you appoint a small Inspector ? He can be paid only a low pay. Therefore we can appoint only a small

Inspector. You cannot have a well-paid officer. The evasion of the rules that will be framed will be more than their observance. I say it will open the door for corruption in a place like Cochin. After some time when we come to such a stage, when the Harbour develops, when the trade develops, we can adopt all the principles as is done in Bombay. In Madras they have not passed such a Bill even now. And nobody will question when I say that Madras is far more advanced than Cochin at present.

Mr. E. Ikkanda Warriar (*Cheruthuruthi*): Question.

Mr. A. B. Salem (*Mattancheri*): I say, Madras has advanced in volume of trade than Cochin.

We have not got this law in any of the cities on this coast and to introduce it here, I think, will be detrimental to the public interest at large. I oppose this Bill, not because I am against the employees being given the proper working hours.

Mr. V. J. Mathai (*Planters*): Is there not a reduction of wages caused by the passing of the Bill?

Mr. A. B. Salem (*Mattancheri*): Yes, there will be many people who will be affected, if this Bill is passed. But as far as Mattancheri is concerned I can positively say that this Bill will do them more harm than good.

Dr. A. R. Menon (*Minister for Rural Development*): What are you objecting to? Please enlighten us.

Mr. A. B. Salem (*Mattancheri*): I object to the passing of the Bill as it stands now. These are all complicated provisions. I have gone through it very carefully. I am also a lawyer. I have studied the Bill very well. I do not know who worded it in Bengal. I cannot myself understand the whole thing.

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): That is the difficulty. (*Laughter*).

Mr. A. B. Salem (*Mattancheri*): I therefore oppose this Bill.

The House rose for lunch at 1 p.m. and re-assembled at 2.30 p.m. with M. R. Ry. K. Ayyappan, Avl., Deputy President in the Chair.

* മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മിസ്റ്റർ പ്രസിഡണ്ട് സർ, ഈ ബിൽ കൊണ്ട് ഉദ്ദേശിക്കുന്നത് shops ലേയും commercial establishments ലേയും തൊഴിലാളികളുടെ ജോലിസമയത്തെ നിയന്ത്രിക്കണമെന്നുള്ളതാണ്. ഈ ബിൽ ബാധിക്കുന്നത് ഞാറ്റുടമസ്ഥന്മാരേയും, കമ്മേർസ്യൽ എസ്റ്റാബ്ലിഷ്

* Speech not corrected by the hon'ble member.

മെൻറുസിനേയും, തൊഴിലാളികളേയും മാത്രമാണ്. ഇതു ഗവണ്മെണ്ടിനെ ബാധിക്കുന്നതിനേക്കാൾ കൂടുതലായിട്ടു ബാധിക്കുന്നത് കച്ചവടക്കാരെയാണ്.

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: കച്ചവടം വാങ്ങുന്നവരേയും.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സാമാനം വാങ്ങുന്നവരേയും ബാധിക്കും. കൊച്ചിരാജ്യത്ത് വലിയ കച്ചവടം നടക്കുന്നത് കൊച്ചിയിലും, തൃശ്ശിവപേരൂർ പട്ടണത്തിലുമാണ്. കൊച്ചിയിലെ കച്ചവടക്കാരുടെ പ്രതിനിധിയായി ചേമ്പർ ഓഫ് കോമേർസ് സമ്മതിച്ചിട്ടുള്ള ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്റ്റർ ഗോവിന്ദ പൈ ഈ ബില്ലിനോടു അനുഭാവമാണ് പ്രദർശിപ്പിച്ചിട്ടുള്ളത്. കച്ചവടക്കാർ ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുന്നില്ലെങ്കിലും, ഇതിനെ അവർ വെറുക്കുന്നില്ലെന്നാണ് കച്ചവടപ്രതിനിധിയായ മിസ്റ്റർ ഗോവിന്ദപൈ പറയുന്നത്. സിലക്ട് കമ്മിറ്റി മുമ്പാകെ ചേമ്പർ ഓഫ് കോമേർസിൽനിന്ന് ഒരു റസല്യൂഷൻ പാസ്സാക്കി അയച്ചിട്ടുള്ളതിലും, കച്ചവടക്കാരുടെ താല്പര്യങ്ങളെ സംബന്ധിച്ച് ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്റ്റർ ഗോവിന്ദപൈ പറഞ്ഞിട്ടുള്ളതിലും, ഇത് അവർക്കു്ലാഭം സഹകര്യമാണെന്നും, സമ്മതമാണെന്നും പ്രസ്താവിച്ചിട്ടുണ്ടെന്നാണ് അവതാരകൻ ഇവിടെ പറയുകയുണ്ടായത്. ഈ സ്ഥിതിക്ക് ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്റ്റർ ഗോവിന്ദപൈയുടെ അഭിപ്രായം വളരെ വിലമതിക്കേണ്ടതായിട്ടാണ് വന്നിരിക്കുന്നത്.

അനുദ്യോഗസ്ഥപക്ഷത്തുനിന്നു കൊണ്ടുവരുന്ന എല്ലാ ബില്ലുകളേയും എത്രക്കണമെന്നുള്ള മനോഭാവം വെച്ചുകൊണ്ടാണോ ഗവണ്മെണ്ട് ഈ ബില്ലിനെ എത്രക്കണമെന്ന് സംശയിക്കേണ്ടിയിരിക്കുന്നു. ഗവണ്മെണ്ടിനെ ഒരു വിധത്തിലും ബാധിക്കാത്ത ഈ ബില്ലിനെ—കച്ചവടക്കാർക്കു വിരോധമില്ലാത്ത ഈ ബില്ലിനെ—ഗവണ്മെണ്ട് എന്തിനു എത്രക്കുന്നു. മറ്റു പല സാമാജികന്മാരും ഈ ബില്ലിനെപ്പറ്റി വിമർശിച്ചിട്ടുള്ളതിൽ, തൊഴിലാളികളുടെ ഉററ ബുദ്ധിവാണെന്ന് പറഞ്ഞുകൊണ്ട്, തൊഴിലാളികളേയും മറ്റും വ്യാമോഹിപ്പിച്ചിട്ടുള്ള ചില മാന്യന്മാർ തൊഴിലാളികളുടെ താല്പര്യത്തിനുവേണ്ടി കൊണ്ടുവന്നിട്ടുള്ള ഈ ബില്ലിനെ എത്രത്തുറക്കുന്നതിൽ ഞാൻ അർത്ഥപ്പെടുന്നു.

രാത്രി പത്തു മണി കഴിഞ്ഞതിനുശേഷം സാമാനങ്ങൾ വാങ്ങുവാൻ ചെല്ലുന്നവർക്കു കിട്ടുന്നില്ലെങ്കിൽ അതു വലിയ വിഷമമായിരിക്കുമെന്ന് ഇവിടെ പറയുകയുണ്ടായി. കൊച്ചിയിൽ പത്തു മണി കഴിഞ്ഞതിനുശേഷം സാമാനം വാങ്ങുവാൻ ചെല്ലുന്നവർക്കു സാമാനം കിട്ടുന്നില്ലെങ്കിൽ, അവർ ബ്രിട്ടീഷ് കൊച്ചിയിൽ പോയി സാമാനങ്ങൾ വാങ്ങേണ്ടതായി വരുമെന്നും പറയുകയുണ്ടായി. ബഹുമാനപ്പെട്ട മെമ്പർ മിസ്റ്റർ ഗോവിന്ദപൈ പറഞ്ഞത്, പത്തു മണിക്കു ശേഷം കൊച്ചിയിൽ കച്ചവടം നടക്കുന്നില്ലെന്നും പത്തു മണി കഴിഞ്ഞാൽ തൃശ്ശിവപേരൂർ പട്ടണത്തിൽ കച്ചവടം നടക്കുന്നുണ്ടെന്നുമാണ്. പത്തു മണി കഴിഞ്ഞതിനുശേഷം കൊച്ചിയിൽ സാമാനം വാങ്ങുവാൻ കിട്ടുന്നില്ലെങ്കിൽ, ബ്രിട്ടീഷ് കൊച്ചിയിൽ പോയി ആളുകൾ സാമാനം വാങ്ങിക്കുമെന്നുള്ള യാതൊരു ആശങ്കയും വരികാണുന്നില്ല. എന്നെന്തെങ്കിലും കൊച്ചിയിൽ ഇപ്പോഴും പത്തു മണി കഴിഞ്ഞാൽ കച്ചവടം നടക്കുന്നില്ല. എന്നാൽ തൃശ്ശിവപേരൂർ പട്ടണത്തിൽ പത്തുപന്ത്രണ്ടുമണി കഴിഞ്ഞിട്ടും കച്ചവടം നടക്കുന്നുണ്ട് എന്ന് ഇവിടെ പറഞ്ഞു. തൃശ്ശിവപേരൂർ പട്ടണത്തോടു വളരെ അടുപ്പമുള്ള എനിക്ക് അവിടെ പത്തുമണിക്കുശേഷവും കച്ചവടം നടക്കുന്നുണ്ടെന്ന് അറിയുവാൻ കഴിഞ്ഞിട്ടില്ല. തൃശ്ശിവപേരൂർ പട്ടണത്തിൽ പത്തുമണിക്കുശേഷം എത്ര സാമാന

മാണ് വാങ്ങുവാൻ പോകുന്നത്, ആരാണ് പോകുന്നത്, എവിടെയാണ് പോകുന്നത്, എന്തു കച്ചവടമാണ് നടക്കുന്നത് എന്നൊക്കെ നല്ലവണ്ണം ആലോചിച്ച് അറിയേണ്ടതാണ്. അവിടെ പത്തുമണിക്കുശേഷം കച്ചവടം നിറുത്തിക്കഴിഞ്ഞാൽ അടുത്ത ബ്രിട്ടീഷ് രാജ്യങ്ങളൊന്നും ഇല്ലാത്തതുകൊണ്ട്, സാമാനം വാങ്ങുവാൻ ബ്രിട്ടീഷിലേക്ക് പോകുമെന്ന് വിചാരിപ്പാനും തരമില്ല. തൃശ്ശിവപേരൂർ പട്ടണത്തിന്റെ അടുത്തിരിട്ട് ബ്രിട്ടീഷ് രാജ്യമില്ലാത്തതുകൊണ്ട്, അവിടെ സാമാനം വാങ്ങുവാൻ പോയി, തൃശ്ശിവപേരൂർ പട്ടണത്തിലെ വ്യാപാരത്തിന് മാന്യം വരുമോയെന്ന് സംശയിക്കുവാനും ന്യായമില്ല. അതുകൊണ്ട് പത്തുമണിവരെ കച്ചവടം നടത്തുന്നതിന് ഈ ബിൽ അനുവദിച്ചിരിക്കുന്ന സ്ഥിതിക്ക് ഈ ഒരു വാദം ശരിയായിരിക്കുമെന്ന് എനിക്ക് തോന്നുന്നില്ല. പത്തുമണിക്കുശേഷം സാമാനം വാങ്ങുന്നവർ ഈ ബില്ലുകൊണ്ട് പത്തുമണിക്കുശേഷം സാമാനങ്ങൾ കിട്ടുകയില്ലെന്ന് വന്നാൽ പത്തുമണിക്ക് മുമ്പുതന്നെ അവർക്ക് വേണ്ട സാമാനങ്ങൾ വാങ്ങിച്ച് സൂക്ഷിച്ചുകൊള്ളാം. ഇതുകൊണ്ട് തൊഴിലാളികൾക്ക് ഒരു രക്ഷ കിട്ടുവാൻ മാഗ്നമുണ്ട്. ഇവിടത്തെ തൊഴിലാളികൾക്ക് ജോലി വളരെ അധികം ചെയ്യേണ്ടിവന്നിട്ടുള്ളതുകൊണ്ട് അവരുടെ ആരോഗ്യം തീരെ നശിച്ചിരിക്കുന്നുവെന്നുള്ളതിന് എനിക്ക് നേരിട്ടനുഭവമുണ്ട്. പട്ടാളത്തിലേക്ക് ചേരുവാൻ സമ്മതിച്ചുകൊണ്ട് ഷാപ്പുകളിലേയും, കമ്പനികളിലേയും മറ്റും കൂലിക്കാർ വന്നിട്ട് അവരുടെ തൂക്കം നോക്കിയപ്പോൾ വളരെ കുറവായിട്ടാണു കണ്ടത്. അതുകൊണ്ട് അവർക്ക് ധാരാളം ജോലി ചെയ്യേണ്ടിവരുന്നുണ്ടെന്നും, തന്നിമിത്തം അവരുടെ ആരോഗ്യം വളരെ കുറഞ്ഞുപോയിട്ടുണ്ടെന്നും തെളിയുന്നുണ്ട്. ഈ ജോലിക്കാരുടെ ജോലിസമയം കുറെ ചുരുക്കിയിരുന്നുവെങ്കിൽ, അവർ കൂടുതൽ ശമ്പളം കിട്ടുന്ന രാജ്യസേവനം ചെയ്യുന്നതിനു സാധിക്കുമായിരുന്നു. ഇങ്ങനെയുള്ള സൗകര്യങ്ങൾ തൊഴിലാളികൾക്ക് ഉണ്ടായിത്തീരണമെന്നുള്ള ഉദ്ദേശത്തോടു കൂടിയും, അവരുടെ ആരോഗ്യത്തെപ്പറ്റി ചിന്തിക്കേണ്ടതായ ഒരു കടമ ഗവണ്മെന്റിന് ഉള്ളതുകൊണ്ടും, ഗവണ്മെന്റ് ഈ ബില്ലിനെ യാതൊരുവിധത്തിലും എത്ര കഠിന പാസ്സാക്കുകയാണ് വേണ്ടത്. തൃശ്ശിവപേരൂർ പട്ടണത്തെ സംബന്ധിച്ചിടത്തോളം അവിടെ പത്തുമണിക്കുശേഷം കച്ചവടം ഉണ്ടാകാതിരുന്നാൽ ജനങ്ങൾക്ക് യാതൊരു അസൗകര്യങ്ങളും നേരിടാനിടയില്ലെന്ന് അവിടെ വളരെ ചെറുപ്പം മുതൽക്കു പരിചയമുള്ള എനിക്കറിയാം.

അതുകൊണ്ട് ഗവണ്മെന്റും നിയമസഭയും യോജിച്ചു യാതൊരു എതിരഭിപ്രായവും പ്രകടിപ്പിക്കാതെ തൊഴിലാളികളുടെ ഉറപ്പുവരുത്തലിനായി പറ്റാത്ത, അവരെ വിശ്വസിച്ചിച്ച് വ്യാപാരാഭിപ്രായം കൊണ്ടിരിക്കുന്ന മെമ്പർമാരും, യഥാർത്ഥമായി അവർ തൊഴിലാളികളെ സ്നേഹിക്കുന്നുണ്ടെന്ന് കാണിക്കുവാനായിട്ടു ഈ ബില്ലിനെ അനുകൂലിച്ചു പാസ്സാക്കണമെന്ന് അപേക്ഷിച്ചുകൊണ്ട് ഞാൻ എന്റെ ചെറുപ്രസംഗത്തെ അവസാനിപ്പിച്ചുകൊള്ളുന്നു.

Dr. A. R. Menon (Minister for Rural Development): Sir, when this Bill was introduced in this House and when the Government thought that they were not in a position to support this Bill, I also thought that it was part of my duty irrespective of other considerations to support this measure and I have done so at the first reading. The Bill was sent to the Select Committee, a very impartial committee, consisting of representatives of both the employers and the workmen, and as I anticipated at the time that men like Mr. Govinda Pai would consider themselves more as members of the Committee

than as representatives of the employers or employees, they have approached this question in a spirit of absolute impartiality and fairness. The anticipation has been more than fulfilled, and I was very glad to hear the statement made by Mr. Govinda Pai that generally speaking though the merchants were not delighted by this measure, yet they were not against the introduction of the important provisions contained in this Bill. I take it that it signifies two things; it indicates the sense, the intelligence and the good nature of the merchants as a class and it also indicates the absolutely fair nature of the measure that is proposed to be inculcated in this Bill. I say, the merchants were intelligent; why? Because an intelligent section of merchants will realise that if reasonable satisfaction is given to their workmen, the work turned out by the workmen will be sufficient compensation for the additional expenditure they might have to incur. A contented workman will be an asset to the employers and so long as a grievance is lingering in the heart of the workman, the employer has no right to expect and as a matter of fact does not get the best services at his hands. As I said, it also indicates their good nature, for they are able to understand and realise more than other people the difficulties and the hardships of their employees.

Sir, apart from the minor provisions, the two most important implications contained in this Bill are that there must be a limited period of working hours and that they must be given holidays in order that they may recoup after their arduous task for a number of days. I do not think that either of these provisions can be called revolutionary. It seems to me that they are very moderate and very reasonable, and if these two sections are taken away from this Bill, the Bill practically becomes useless. Now the question arises, if these two provisions in this Bill are so innocuous, are so beneficial, why is it that an objection should be taken against the application of these provisions? So far as the holidays are concerned, I do not think there is any dispute on the non-official side and on the side of the Government. I believe, both are agreed on this point, and I also think it is the purpose of the Government to give effect to this section in the Bill introduced in the Central Assembly by the Government of India for this purpose. Then the whole question revolves round one point, i.e., about the limitation of time. Now, Sir, when the employer and the employee, or to put it in another way, when the representatives of the employers and the representatives of the workmen have agreed, threshed out the problem and brought in a Bill here which is a joint production of both the representatives, I do not think it is part of the duty of the Government to intervene under normal conditions. But, while this is not a controversial measure,

and only in controversial measures that Government must step in; it is only fair to add that the enactment of a measure of this kind at the present time may create some confusion and may also cause some financial disturbance. I say it is quite possible.

Now, Sir, the economic signs that reigns over the commerce is rather very delicate. I am in this connection reminded of one thing that happened when I was the Chairman of the Trichur Municipality. When the Trichur Municipality proposed to impose a levy of quarter of an anna per drum, the merchants told me that the imposing of even a quarter of an anna will result in disaster to the merchants, will create great economic trouble, and most probably some of them will have to close their business. From that we can understand how even a very small sum, even an infinitesimal amount would upset the balance of trade and cause serious dislocation of trade.

Therefore, the question arises whether under abnormal conditions associated with a great war that is waging and which, as I observed yesterday, is gradually approaching our shores, is it possible, is it reasonable, to think that under such conditions, any change which might very likely upset the economic trade balance should be enacted or whether we would do well to remain till better conditions had been established? As I said, so long as the shop-keepers and the shop assistants, the industrialists and workmen, are agreed upon a measure, under normal conditions, the Government may not have a voice, but under abnormal conditions, the Government must have a voice, *viz.*, to see that the public interests, the interests of both the workmen and the employers should receive the earnest consideration of the Government, and any action, any measure that is likely to upset the tranquility or the smooth working of an institution should as far as possible be avoided, if necessary, in the public interests. I am willing to concede that point also.

Now, Sir, if these points are conceded, then the question arises as to what attitude the Government could possibly take. I should think that an unqualified opposition to this measure is likely to produce a very bad effect upon the people as a whole, for a measure of this kind, a salutary measure, a measure which is necessary to be enacted and kept in the statute book, should have received the opposition of a progressive government, is certainly not conducive to the good name of the Government itself (*Hear, hear*). Therefore, the question arises, as to how to get out of this difficulty—on the one hand meeting their obligations, to maintain public interest and at the same time to meet the obligations imposed upon them by a measure which found acceptance both at the hands of the

employers and the employees. I think the only way we can get over this difficulty is, if it is not against the rule—I think the Advocate-General will be able to enlighten us on this point—what is the objection in passing this measure and placing it on the statute book with a provision that the application of the clauses is made to have effect on a specific date which may be fixed by the Government. The date for bringing this measure into force may be left to the executive.

Mr. Puthur Achyuta Menon (Kattur): There are so many legislations like that, the provisions of which have not yet been brought into force.

Dr. A. R. Menon (Minister for Rural Development): Can we not specify that at the end of the war or at any time when the executive thinks it safer to bring this measure into force? I do not see any objection to enact this measure with a modified clause like this, which I hope will meet all the criticisms and the various aspects that I have enumerated just now. I think the House will consider this aspect also. While the most important of the two conditions, *viz.*, the question of holiday does not arise because it is agreed that it must be enacted forthwith, with regard to the other a wide latitude must be given, because of the present day conditions.

Mr. P. Govinda Menon (Mulakunnathukavu): Without interrupting, Sir, the provision for this is already there in the Bill. It is said in clause 1 (3) that it shall come into force in the first instance only in the towns of Trichur, Ernakulam and Mattancheri on such day as Government may by notification in the Cochin Government Gazette appoint.

Dr. A. R. Menon (Minister for Rural Development): What I mean is, as far as the holiday clause is concerned, it should be introduced forthwith. But so far as the hours are concerned, that must be brought into operation afterwards, under that clause. I think I am going a step further than the Bill. At least the holiday part which by common agreement is admitted as one of no serious dislocation, must be accepted. I think perhaps this line of approach to this question may solve this problem. I would invite the hon'ble members to consider this aspect so that they may present a situation to Government which will not be unacceptable to them. I would like to know whether this suggestion will be acceptable to the House so as to get over the difficulty.

Mr. M. K. Devassy (Adur): At least let us know, whether it will be acceptable to the Government if it is acceptable to the House.

Mr. K. Achyuta Menon (*Secretary to Government*): There is one difficulty with respect to that. The first paragraph, I do not think, is capable of that interpretation. I emphasise on the words "on such day as Government may by....". If you change the word "day" to "time" then the meaning will be clear. Otherwise, when we introduce a Bill and say that it shall come into force on such day, it will mean that the Government are called upon to bring it into force at once.

Mr. A. B. Salem (*Mattancheri*): Then we must say that such and such clauses may be kept in abeyance until such and such a time. In that way you can get over the difficulty.

Mr. K. Achyuta Menon (*Secretary to Government*): As regards the amended interpretation given to it I am not in a position to give you a definite answer now, but I will be in a position to give you tomorrow.

Mr. M. K. Devassy (*Adur*): It is difficult for us to say whether the amendment would be acceptable. The better procedure would be that this motion may be carried and when the Bill is read for the third time that amendment can be introduced. If necessary, this may be taken up tomorrow. We could also consider about our position by that time.

Deputy President: Only Government amendments can be introduced in the final stage.

Mr. M. K. Devassy (*Adur*): If Government are prepared to accept that position and if they are prepared to move the necessary amendments to give effect to these intentions, let them say so. Let us be clear on the point.

Mr. K. Achyuta Menon (*Secretary to Government*): Now, for the present, we are taking up the position of opposition not on the ground that we do not understand the objects of the Bill, but on the ground that we think there is no immediate necessity for this Bill. I wish to say that we oppose this Bill only because there is no immediate necessity for the introduction of this Bill. Further, one thing we find is that neither in Madras nor in Travancore nor in Mysore nor so far as I know in any other State, except in Calcutta, Bombay and probably Punjab such a Bill has been introduced. If you read the preamble it will be interesting. The reason given for the introduction of the Bill is unrestricted competition amongst shop-keepers even in the municipalities resulting in the shops being kept open until unreasonable hours and shop assistants being put to unnecessary hardship.

Mr. Puthur Achyuta Menon (Kattur): That is the position here also.

Mr. K. Achyuta Menon (Secretary to Government): I never heard such a case being stated here till now. Mr. Govinda Pai who can be considered to know almost all the state of affairs with regard to commercial establishments said that except in Trichur there is no complaint anywhere in the State. You must be prepared to accept his statement as correct. He said that in Mattancheri there is no such complaint. Probably in Trichur there may be some cases where the shops are kept open even after 10 in the night. The Hon'ble Member for Trichur referred to a few such cases. Most of those shops are in front of their houses.

Mr. C. R. Iyyunni (Trichur-South): I am referring to wholesale dealers. The other retail dealers generally close at 10 p.m. The wholesale dealers only keep their shops open after 10 p.m. Generally retail dealers from distant places have to come and transact their business with the wholesale dealers and therefore they close only very late in the night. For the convenience of those retail dealers from distant places they keep open those wholesale shops.

Mr. K. Achyuta Menon (Secretary to Government): Even then it is a convenience to the small traders. What I ask is, is there a compelling necessity to introduce this Bill? I am not attacking the objects and reasons. I ask, whether the hon'ble members cannot defer this Bill to better times. There are three points involved in this Bill. One is compulsory closing of shops at a particular hour and the second is the compulsory regulation of working hours. The third is the grant of a weekly holiday for the workers. So far as these holidays are concerned, I may assure the House that Government are amenable to adopt the wording of the section of the Bill with regard to the grant of weekly holidays. Government are amenable to adopt the Weekly Holidays Bill drafted by the Government of India. That Bill lays down a compulsory holiday every week without reduction in wages. Then, as regard the other two questions, the point is whether the situation is so desperate that this Bill has to be introduced immediately. We have heard that only in Trichur there is difficulty with regard to the working hours of shops. One difficulty in this Bill is, Government have no option to fix the time in respect of shops. In respect of shops the provision is absolute that no shops shall be kept open after the hour fixed under section 5. Under section 5 every shop shall be closed not later than 10 p.m. In the case of other commercial establishments Government have got some option to relax

the rule. Further the "Commercial establishment" has been defined to mean an establishment which is not a shop, but which does the business of advertising, commission, etc., or which is a clerical department of a factory or of any industrial or commercial or other undertaking, or which is an insurance company, joint stock company, etc., as the Cochin Government may, by notification in the Gazette declare to be a commercial establishment for the purpose of the Act. It is only in these cases that Government is given the option to extend the time or to fix the time. The question is whether there is real need at this time for a legislation on these matters. As the Hon'ble Minister stated, if you can allow us to introduce a provision there to the effect that those sections regarding the fixing of hours must be brought into force at such time as Government may by notification in the Gazette fix....

Mr. Puthur Achyuta Menon (Kattur): How can we do that unless you agree to the position taken up by the Minister?

Mr. K. Achyuta Menon (Secretary to Government): We agree to this effect. Some of the provisions will not be applied now. But they may be applied at a later date.

Mr. C. R. Iyyunni (Trichur-South): There is a provision in the Bill itself to the effect that Government may by notification in the Cochin Government Gazette direct that all or any of the provisions of the Act shall come into force in any other area on such date as may be specified in the notification.

Deputy President: The difficulty is not with regard to the mode of effecting the change. The point is whether both parties are willing to come to a compromise.

Mr. K. Achyuta Menon (Secretary to Government): Yes. If there is any difficulty in coming to a compromise today we will stick to our position of opposition and then afterwards the point will be considered. I am only taking the hon'ble members to the absence of any real necessity for the introduction of a legislation on this matter in view of the prevailing conditions.

Mr. M. K. Devassy (Adur): You cannot make us agree to that aspect.

Mr. K. Achyuta Menon (Secretary to Government): I was only attempting to convince the hon'ble member with regard to the matter. Otherwise, I say there is great difficulty in the immediate application of those provisions. With regard to the consideration on the question of delaying the operation of the Act, I cannot give an immediate assurance on the matter now. I think you may take the position you took and let us also stick up to our position, so that there may not be any misunderstanding.

***Mr. Puthur Achyuta Menon (Kattur):** Sir, regarding the various objections taken to this Bill I do not think there are very many points which require answers. Regarding the immediate necessity of this Bill, Sir, do not think for a moment that it is on account of the imagination of some of the members on this side that such a legislation was brought before this House. There was great agitation from the shop-keepers of Trichur. They brought that fact to the notice of the Government, they brought that fact to the notice of the various members of the Council through resolutions, through letters and so many other ways. We, the people's representatives of this State who are naturally under an obligation to consider the question concerning this matter, found that there was much justification in their grievances.

Mr. K. Achyuta Menon (Secretary to Government): You read your statement of objects and reasons. What is stated there?

Mr. Puthur Achyuta Menon (Kattur): Yes, I will read that. It is: "While most of the big commercial establishments observe reasonable hours of work and provide other amenities for their employees the conditions of service of employees in the smaller offices, shops, restaurants, etc., are far from satisfactory and there has been an insistent demand for their betterment and hence the need of this kind of legislation". Even now it is admitted that there is real competition going on in Trichur, and it is the workers of Trichur who are suffering most that led the deputation. Where there are people like Mr. Govinda Pai they may have reasonable amenities, but you must consider that there are not so many Govinda Pairs throughout the State. People make it a point to make the maximum profit that they can and in their competition to achieve more they must have to violate these conditions. Do not think for a moment, Sir, that it is the imagination of the members of the Legislative Council that was responsible for such a legislation. There was real pressing need from various quarters and it was on account of that that this legislation was introduced.

Then, Sir, regarding the question of inopportune moment for this legislation, only one thing I have to say. We also understand the current world affairs, at present. We know what conditions are, what conditions can be in the future, like any other member of the Treasury Bench. We are also anxious to see that every thing possible for the benefit of Cochin State should be assured.

Sir, my friend was reading the first clause of this Bill. That is: "It shall come into force in the first instance only in the Municipal Towns of Trichur, Ernakulam and Mattancheri. But the Cochin Government may by notification in the Cochin Government Gazette,

*Speech not corrected by the hon'ble member.

direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification". Government can make use of this clause if they want. I invite the attention of the Government to another point also. I mean section 31. It reads: "Save in regard to the matters for which provision is made by rules under section 30 a local authority may, subject to the previous sanction of the Cochin Government, make bye-laws not inconsistent with this Act or rules thereunder for the purpose carrying out the provisions of this Act". There is one important point to be considered in this case. This Shop Assistants Bill now before the Council is a minor thing. There is a major thing before you. What about the factory legislation, Sir? Factory Legislation is the most important thing you must make use of during this period of war. If you want to suspend the provisions of the Factory Legislation there must be some enactment or special rules for that. If this Act also comes into the statute book with a stroke of your pen, if you can make use of that special clause which is provided here, you can see that normal conditions are restored. If the Government has a mind to do this, let them do so.

Deputy President: Mr. Achyuta Menon, are you prepared to come to a compromise with the Government to keep some of the provisions in abeyance. Are you for that?

Mr. Puthur Achyuta Menon (Kattur): There is a specific issue here, Sir. What is the position of the Government we cannot see now.

Deputy President: The Hon'ble Secretary to Government says that he cannot now give an assurance. He has to consider over this matter.

Mr. Puthur Achyuta Menon (Kattur): When that amendment comes we will consider it. If the Government is not in a position to say at present what amendment they are going to make, when that amendment comes, this House will see that everything may be done from this side of the House to see that normal considerations are restored. We will see that the Government is also helped and at the same time the labourers also get some benefit. The only thing is, Sir, we cannot give an assurance now without knowing what the nature of their amendment is. So my humble submission is, let this Bill be passed at this stage and at the final stage Government may bring in necessary amendments, which they think to be necessary without any prejudice to the interests of the Government. I may also assure the Government that it will be our duty to see that all reasonable amendments are accepted so that we can see that such a

beneficial enactment is placed on the Statute Book. With these humble remarks, I commend this Bill for the acceptance of the House.

Motion put and carried

Clauses 2 to 31 put and carried

Clause 1 put and carried

Title and preamble put and carried

3. The Cochin Christian Succession Act (Amendment) Bill

Mr. A. V. Moothedan (Chalakkudi): Sir, I beg to move that the Cochin Christian Succession Act (Amendment) Bill be referred to a Select Committee.

Mr. V. J. Mathai (Planters): I second it.

Mr. A. V. Moothedan (Chalakkudi): Sir, I think in the history of legislation in this State, there has been no Bill which has created so much of public interest as the one before the House. I should say millions of words have been spoken, millions of words have been written, several meetings have been held to protest against or support the Bill. The large volume of opinions received here is a clear testimony of the interest evinced by the people in this matter.

What I am going to submit is that the summary of opinions sent to the hon'ble members may be a little misleading. Firstly, they published a summary which was thoroughly misleading. If one goes through that summary he will be convinced that they have divided all these opinions into two categories, those fully supporting and those wholly opposing. And after correspondence with the Secretary, they published a supplement a week ago and I think the hon'ble members may have received it. There they have at my request classified the opinions into four groups those who are in complete agreement with the Bill, those who fully oppose, those who partially support the Bill, i.e., those who say that the share should be increased to half the share of the son, and those who want an increased share to be given to the daughter from the mother's estate. Now I am going to analyse the opinions received and their number. In the summary published, they have shown the numbers supporting and opposing the Bill. According to Mr. Devassy about 565 people oppose the Bill, while only 29 support it.

APPENDIX V

THE COCHIN SHOPS AND COMMERCIAL ESTABLISHMENTS BILL

(As modified by the Select Committee)

Whereas it is expedient to make provision for the regulation of hours of work in shops, commercial establishments, restaurants, eating houses, theatres and other establishments and for certain other purposes here-in-after specified, it is hereby enacted as follows.—

1. (1) This Act may be called the Cochin Shops and Commercial Establishments Act, 111 .
- (2) It extends to the whole of Cochin State.
- (3) It shall come into force in the first instance only in the Municipal towns of Trichur, Ernakulam and Mattancheri, on such day as Government may by Notification in the Cochin Government Gazette appoint. Government may, by notification in the Cochin Government Gazette, direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification.

Short title,
Extent and
Operation.

CHAPTER I

Preliminary

2. In this Act unless there is anything repugnant in the subject or context.—

Definitions.

- (1) "Child" means a person who has not completed his twelfth year.
- (2) "Closed" means not open for the service of any customer.
- (3) "Commercial establishment" means an establishment which is not a shop, but which does the business of advertising, commission, forwarding or commercial agency, or which is a clerical department of a factory or of any industrial or commercial or other undertaking, or which is an insurance company, joint stock company, bank, broker's office, exchange or such other class of

establishments as the Cochin Government may, by notification in the Cochin Government Gazette, declare to be a commercial establishment for the purpose of this Act.

- (4) "Day" means the period of twenty-four hours beginning at mid-night:

Provided that in the case of a person employed whose hours of work extend beyond mid-night, day means the period of twenty-four hours beginning when such employment commences irrespective of mid-night.

- (5) "Employer" means a person having charge of or owning the business of an establishment to which this Act applies and includes the manager, agent or any other person acting in the general management or control of such shop, restaurant, theatre or establishment.

- (6) "Establishment to which this Act applies" means a shop, commercial establishment, restaurants, eating house, theatre or any other place of public amusement or entertainment or any other establishment in respect of which a declaration is made under section 18.

- (7) "Factory" means any premises which is a factory within the meaning of clause (i) of section 2 of the Cochin Factories Act, 1113 or which is declared to be a factory under section 5 of the said Act.

- (8) "Inspector" means an inspector appointed under section 25.

- (9) "Local authority" means a Municipality or Town Council constituted under the Cochin Municipal Act or the Cochin Town Councils Act.

- (10) "Member of family of an employer" means the husband, wife or children, father or mother, brother or sister of an employer who lives with and is dependent on such employer.

(11) "Opened" means opened for the service of any customer.

(12) "Periods of work" means the time during which a person employed is at the disposal of the employer.

(13) "Person employed" means.—

(i) in the case of a shop, a person wholly or principally employed in the shop in connection with the business of the shop;

(ii) in the case of a factory, a member of the clerical staff employed in such factory;

(iii) in the case of a commercial establishment other than a factory a person wholly or principally employed in connection with the business of the establishment and includes a peon;

(iv) in the case of a restaurant or eating house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance upon a customer or in cleaning any part of the premises or utensils used in such premises or as a clerk or cashier; and

(v) in the case of a theatre or other establishment, of public entertainment a person employed as an operator, clerk, door-keeper, usher or in similar other capacity; but does not include the employer or a member of his family.

(14) "Prescribed" means prescribed by rules made under this Act.

(15) "Residential hotel" means any premises in which a *bona fide* business is carried on for

the supply of dwelling accommodation and meals on payment of a sum of money to a traveller or any other member of the public or class of the public.

(16) "Restaurant or Eating House" means any premises in which is carried on wholly or principally the business of the supply of meals or refreshments to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre.

(17) "Shop" means any premises where goods are sold either by retail or wholesale or both or where services are rendered to customers and includes offices, store-rooms, godowns or ware-houses, whether in the same premises or otherwise, used in connection with such trade or business but does not include a restaurant, eating house or a commercial establishment.

(18) "Theatre" includes any place intended principally or wholly for the representation of moving pictures or for dramatic performances.

(19) "Week" means the period of seven days beginning at mid-night of Saturday.

(20) "Young person" means a person who is not a child and has not completed his seventeenth year.

Reference to
the time of
the day.

3. References to the time of day in this Act are references to Indian Standard time which is five and half hours ahead of Greenwich mean time.

Act not ap-
plicable to
certain per-
sons and
establish-
ments.

4. (1) Nothing in this Act shall apply to.—

(a) persons occupying positions of management or employed in a confidential capacity.

(b) persons whose work is inherently intermittent such as a traveller, a canvasser, a watchman or a care-taker;

(c) persons engaged in preparatory or complementary work, such as clearing or

forwarding clerks responsible for the despatch of goods by rail or other means of communication and for customs formalities or messengers;

(d) persons exclusively employed in the collection, delivery or conveyance of goods;

(e) Government offices and offices of local authorities;

(f) establishments for the treatment or the care of the sick, infirm, destitute or mentally unfit;

(g) clubs and residential hotels;

(h) stalls and refreshment rooms at railway stations, docks and wharfs;

(i) bazaars or fairs for the sale of work for charitable or other purposes from which no profit is derived;

(j) Shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites, so far as the sale of these articles is concerned;

(k) shops dealing in articles required for funerals, burials or cremation so far as the sale of these articles is concerned;

(l) persons employed in the landing of goods from ships or lighters and in the storage thereof; and

(m) any other establishment or class of establishments or person or class of persons which the Cochin Government may, by notification in the Cochin Government Gazette, exempt from the operation of this Act.

(2) Notwithstanding anything contained in subsection (1) Government may by notification in the Cochin Government Gazette direct that any of the persons or establishments specified therein shall not be exempt from the operation of this Act.

CHAPTER II

Shops

Closing hour
of shop.

5. Save as provided by or under any other enactment for the time being in force, every shop shall be closed not later than 10 p.m.:

Provided that store rooms and warehouses may be kept open after 10 p.m. for the storage of goods in transit from ships and lighters:

Provided further that any customer who was being served or was waiting to be served at 10 p.m. in any shop may be served in such shop during the quarter of an hour immediately following such hour.

Hawking pro-
hibited after
closing hour.

6. Save as otherwise provided in this Act or by or under any other enactment, no person shall after 10 p.m. carry on in or adjacent to a street or a public place the sale of any goods:

Provided that nothing in this section shall apply to the sale of newspapers.

Daily hours
of work in a
shop.

7. (1) Subject to the provisions of sub-section (2) no person employed in any shop shall be required or allowed to work in such shop for more than ten hours in any day:

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under sub-section (1) if such period does not exceed in aggregate one hundred and twenty-five hours in any calendar year.

(2) No person employed in any shop shall be required or allowed to work in such shop for more than eight hours in any day unless he has had an interval for rest of at least one hour:

Provided that no person so employed shall be required or allowed to work in such shop for more than six hours in any day unless he has had an interval of rest for at least half an hour.

Spread over
of period of
work.

8. The periods of work and intervals of rest of a person employed in a shop shall be so arranged that they shall not be together spread over more than twelve hours in any day:

Provided that in cases where any shop is on any day entirely closed for a continuous period of not less than three hours between the opening and closing time the periods of work and intervals of rest may be spread over fourteen hours in that day.

9. (1) Every person employed in a shop shall be given at least one day in a week as a holiday: Holidays in a week.

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

- (2) No deduction shall be made from the wages of any person employed in a shop on account of any holiday given to him under sub-section (1).

CHAPTER III

Commercial Establishments

10. (1) Save as provided by or under any other enactment for the time being in force every commercial establishment shall be closed not later than the time fixed by a general or special order of Government made under sub-section (2). Closing hour of commercial establishments.

- (2) Government may, by general or special order, fix the time at which any commercial establishment or any class of such establishments shall be closed in any local area. Such order shall be passed after making an enquiry in the prescribed manner.

11. (1) Subject to the provisions of sub-section (2) no person employed in any commercial establishment shall be required or allowed to work in such establishment for more than 260 hours in a month: Monthly and daily hours of work in a commercial establishment.

Provided that any such person may be allowed to work in such establishment for more than 260 hours in any

month during stock-taking, making of accounts settlement or other prescribed occasions :

Provided further that the total number of hours for which such person is allowed to work in excess of the maximum number of hours prescribed for every month under this section does not exceed 125 in any calendar year.

- (2) No person employed in any commercial establishment shall be required or allowed to work in such establishment for more than 8 hours in any day unless he has had an interval for rest of at least one hour :

Provided that no person so employed shall be required or allowed to work in such establishment for more than six hours in any day unless he has had an interval of at least half an hour.

Spread over
of periods of
work.

12. The periods of work and intervals of rest of a person employed in a commercial establishment shall be so arranged that they shall not together be spread over for more than twelve hours in a day :

Provided that Government may by rules made in this behalf fix, on not more than six days in a calendar year, any period in excess of the period prescribed under this section for which on account of stock-taking, making of accounts, settlements or other prescribed occasions the person employed may be required to work.

Holiday in a
week.

13. (1) Every person employed in a commercial establishment shall be given at least one day in a week as a holiday :

* * * * *

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

- (2) No deduction shall be made from the wages of any person employed in a commercial establishment on account of any holiday given to him under sub-section (1).

CHAPTER IV

**Restaurants, Eating Houses, Theatres or other places of
Public Amusement and Entertainment**

14. After the hour fixed for closing of shops under section 5, no goods of the kind sold in such shops shall be sold in any restaurant, eating house, theatre or any other place of public amusement or entertainment except for consumption on the premises.

Restaurants, eating houses not to sell goods of the kind sold in the shops after the closing hour of the shops. Daily hours of work in restaurant, etc.

15. (1) Subject to the provisions of sub-section (2) no person employed in any restaurant, eating house or theatre or any other place of public amusement or entertainment shall be required or allowed to work in such restaurant, eating house or theatre or such place for more than ten hours in any day.

(2) No such person shall be required or allowed to work in such restaurant, eating house or theatre or place of public amusement or entertainment as the case may be for more than 8 hours in any day unless he has had an interval for rest of at least one hour:

Provided that no person so employed shall be so required or allowed to work in such restaurant, eating house or theatre or place of public amusement or entertainment for more than six hours in any day unless he has had an interval for rest of at least half an hour.

16. The periods of work and intervals of rest of a person employed in a restaurant, eating house or theatre or any other place of public amusement or entertainment shall be so arranged that they shall not together be spread over more than 14 hours in any day.

Spread over of period of work.

17. (1) Every person employed in a restaurant, eating house, theatre or any other place of public amusement or entertainment shall be given at least one day in a week as a holiday:

Holiday in a week.

* * * * *

Provided that nothing in this sub-section shall apply to any person whose total period of employment is less than six days.

- (2) No deduction shall be made from the wages of any person employed in a restaurant, eating house, theatre or a place of public amusement or entertainment on account of any holiday given to him under sub-section (1).

CHAPTER V

Other Establishments

Power of Government to apply provisions of Act to other establishments.

18. (1) Notwithstanding anything contained in this Act, Government may, by notification in the Cochin Government Gazette, declare any establishment or class of establishments to which this Act does not for the time being apply to be an establishment or class of establishments for the purposes of this Act.

- (2) On such declaration, such establishment or class of establishments shall be deemed to be an establishment or class of establishments to which this Act applies and all or any of the provisions of this Act with such adaptation or modification as may be specified in such declaration shall apply to such establishment or class of establishments.

CHAPTER VI

Provisions for Children and Young persons

No child to work in any establishment.

Young persons to work between 6 a.m. and 7 p.m. only.

Hours of work of young persons limited to 8 per day.

19. No child shall be allowed to work in any establishment to which this Act applies.

20. No young person shall be allowed to work in any establishment to which this Act applies before 6 a.m. and after 7 p.m.

21. (1) Notwithstanding anything contained in this Act no young person shall be allowed to work in any establishment to which this Act applies for more than 8 hours in any day.

- (2) No such person shall be allowed to work in such establishment for more than four hours in any day unless he has had an interval of rest for at least half an hour.

CHAPTER VII

Enforcement and Penalties

22. Save as otherwise provided in this Act, it shall be the duty of every local authority to enforce, within the area subject to its jurisdiction, the provisions of this Act, subject to such supervision of Government as may be prescribed:

Powers and duties of Local authorities.

Provided that in respect of the areas not subject to the jurisdiction of any local authority, it shall be the duty of Government to enforce the said provision.

23. (1) If any local authority makes default in the performance of any duty imposed by or under this Act, Government may appoint some person to perform it and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it shall be paid forthwith by the local authority.

Power of Government to provide for performance of duties on default by local authority.

- (2) If the expense and remuneration are not so paid, Government may notwithstanding anything contained in any law relating to the Municipal or Town fund or any other law for the time being in force make an order directing the person in charge of the local government treasury or of any other place in which the monies of the local authority are deposited to pay such expense and remuneration from such monies as may be standing to the credit of the local authority in the hands of such person or as may from time to time be received from or on behalf of the local authority by way of deposit by such person; and such person shall be bound to obey such order. Every payment made pursuant to such

order shall be a sufficient discharge to such person from all liability to the local authority in respect of any sum or sums so paid by him out of the monies of the local authority so deposited with such person.

Expenses of Local authority to be paid out of its fund.

24. Notwithstanding anything contained in any enactment in regard to any Municipal or Town fund, all expenses incurred by a Municipality or a Town Council under and for the purpose of this Act shall be paid out of Municipal or Town fund as the case may be.

Appointment of Inspectors

25. (1) Every local authority shall in accordance with such rules as may be made by Government appoint a sufficient number of persons with the prescribed qualifications as Inspectors for the area subject to its jurisdiction as it may deem fit for the purpose of carrying out the provisions of this Act.

(2) In areas which are not subject to the jurisdiction of any local authority Government shall appoint Inspectors with the prescribed qualifications.

Powers and duties of Inspectors.

26. Any Inspector appointed under section 25, may, at all reasonable times, enter into any place which is or which he has reason to believe is an establishment to which this Act applies, with such assistants being persons in the service of Government or local authority as the case may be and make such examination of the premises and of the prescribed registers, records and notices as may be prescribed.

Inspectors to be public servants.

27. Every Inspector appointed under section 25 shall be deemed to be a public servant within the meaning of section 15 of the Cochin Penal Code.

Penalty for obstructing Inspector, etc.

28. Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act or who fails to comply with a lawful direction made by an Inspector shall, on conviction, be punishable with fine which may extend to Rs. 250.

29. Subject to the general or, special orders of Government an employer shall maintain such registers and records and display such notices as may be prescribed for carrying out the provisions of this Act.

Maintenance of registers and records and display of notice.

30. (1) Any employer who contravenes the provisions of sections 5 and 7 to 21 (both inclusive) shall, on conviction, be punishable with fine which may extend to Rs. 15 for the first offence and Rs. 50 for every subsequent offence after his conviction for the first offence.

Penalties for Offences.

(2) Whoever contravenes the provisions of section 6, shall, on conviction, be punishable with fine which may extend to Rs. 10 for the first offence and to Rs. 25 for any subsequent offence after his conviction for the first offence.

CHAPTER VIII

Miscellaneous

31. The Cochin Government may, by notification in the Cochin Government Gazette, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it deems fit on account of any prescribed holidays or occasion.

32. (1) The Cochin Government may make rules to carry out the purposes of this Act.

Rules.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may be made for all or any of the following matters, namely.—

(i) the manner of making enquiry under section 10;

(ii) the occasions on which the hours of work may exceed 225 in a month under section 11;

(iii) fixing excess period for work under section 12;

- (iv) the supervision which the Cochin Government shall exercise over local authorities under section 22;
 - (v) the qualifications, appointment and punishment of Inspectors under section 25;
 - (vi) the examination to be made of premises and of prescribed registers, records and notices under section 26;
 - (vii) the registers and records to be maintained and the notices to be displayed under section 29; and
 - (viii) the period for which, the conditions subject to which and the other holidays on which the operation of the provisions of this Act may be suspended under section 29.
- (3) The rules made shall be subject to the condition of previous publication and when so made shall be deemed to be a part of this Act.
- (4) The rules may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to Rs. 25.

Bye-laws.

33. Save in regard to the matters for which provision is made for rules under section 32, a local authority may, subject to the previous sanction of Government make bye-laws not inconsistent with this Act or rules thereunder for the purpose of carrying out the provisions of this Act.

Rights and privileges under other law etc., not affected.

34. Nothing in this Act shall affect any rights or privileges which any person employed in any establishment to which this Act applies is entitled to at the date this Act comes into force under any other law, contract, custom, or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.